Supreme Court, U.S.
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NO._____

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1998

CONSUELO M. WATSON, Petitioner

V.

FIRST NATIONAL BANK/
FIRST BANKCARD CENTER, Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

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34 pp

1. If Prima Facie and the Burden of Proof showing deliberate Retaliation has been established in a Title VII Civil Rights Act of Discrimination and Retaliation, ultimately leading up to the Petitioner's termination of employment, is Summary Judgment a true and justified rendered decision?

2. Moreover, if during the Petitioner's employment, she realizes a serious connection between the employer and its' **hidden "behind the scene",** 3rd party Law Enforcement Entity, causing additional harassment toward the Petitioner, is it prudent then, for the Supreme Court to decide, if the lower courts refuse to see the serious activity of harassment and retaliated violations against the Petitioner?

3. Most Importantly, when deciding the case, if the extraneous details involved in the case are secretive, intimidating, and in some cases, life threatening, from the result of **OUTSIDE INFLUENCE: Law Enforcement Groups, Organized Satanic Groups, Various Racial Groups, and World-Wide Media Entertainment Groups**, causing a member(s) of the bench to persuade and conclude with "personal biases" toward the case, isn't it **wise, just and FAIR**, then, for the Supreme Court to intervene and render the final judgment without the interference of **OUTSIDE Persuasion?**

LIST OF PARTIES

The parties to the proceedings below in the 8th Circuit Court were the Petitioner, Consuelo Watson, Pro Se, and the Respondent, First National Bank/First Bankcard Center, represented by George C. Rozmarin.

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The Petitioner, Consuelo Watson asks the Supreme Court of the United States of America, the nation under God, to review the judgment of the United States Court of Appeals for the 8th Circuit, entered on July 6, 1998.

OPINIONS BELOW

The court of appeals for the Eighth Circuit had no opinion, and the decision is reprinted in the appendix. The decision of the United States District Court of Nebraska is typeset in the appendix.

JURISDICTION

The jurisdiction of the district court was invoked under Title VII of the Civil Rights Act of 1964. On July 7, 1998, the district court of Nebraska granted Summary Judgment to the Respondent. On July 6, 1998, the Eighth Circuit Affirmed the decision of the district court. The Jurisdiction to review judgment of the Eighth Circuit is invoked under 28 USC § 1254 (1).

STATUTE INVOLVED

Title VII of the Civil Rights Act of 1964 provides in part: It shall be an unlawful employment practice for an employer to discriminate against any individual based on race, color, religion, sex, or act and origin.

STATEMENT OF THE CASE
A.

The Petitioner brought a Civil Rights Title VII action against the Respondent for Discrimination and Retaliation, after the Petitioner inquired with Frank Kelly, Manager of the Bankcard Center (BCC) Fraud Department of First National Bank (FNB), and Michelle Leo (newly appointed assistant to Kelly), about their decision for a promotion between two workers, Vivian Hart, and African American, and Adrienne Miller, a Caucasian American.

The action also includes harassment, manipulation and abuse from the "secret" work of Federal Agents against the Petitioner while under the employ of the Respondent, thereafter and currently.

The Petitioner had been employed with FNB from January 1987 to May 1995 and began her Investigative career in the BCC Fraud Department in April 1992. Two weeks after the Petitioner started her new position, Sr. Investigator K.J. Kuchta had accepted a position as a manager in Oklahoma City after receiving and acting upon a Headhunter/Recruiter's telephone call, searching for someone to fill the position.

As a result, the Petitioner, fresh and new in her position, briefly thought about career opportunities in the future, and asked Kelly if it was "OK" to receive such calls. Kelly responded saying the Investigators receive the calls "all the time," and if the Investigators feel qualified, they act upon the calls. The Petitioner left Kelly's office with an optimistic outlook on future career possibilities.

In May 1995, precisely remembering her initial conversation with Kelly concerning headhunter calls, the Petitioner received a call from a Headhunter, for the first time. The Headhunter was looking for someone to fill a management position with a credit card company in

Cincinnati, OH.

The Petitioner wasn't comfortable making a verbal "announcement" to the other Investigators about the call, and simply photocopied the details of the position and passed the information along to the others. FBC management, at this point, decided to rely on the Bank's policy of Headhunter's calling the Bank by terminating the Petitioner, yet Kelly had previously stated it was "OK: to accept the calls. Moreover, when K.J. Kuchta departed from the bank, the department, as a whole, wished him well, with full knowledge of the fact that he was leaving from the result of a Headhunter call.

Prior to the Petitioner being terminated from FNB, and after learning of Kelly's decision to promote Michelle Leo and Adrienne Miller in October 1994, the Petitioner asked Kelly and Leo the reasons Vivian Hart had not been considered and promoted to the position as Leo's assistant instead of Adrienne Miller. The Petitioner made the inquiry for the following reasons: Kelly had originally chosen Investigator Tami Neuberger, (who voluntarily ended her employment with FNB) as his Assistant. Leo, however, was hysterically and emotionally upset with Kelly's decision since she had been in the department longer than Neuberger. As a result, Kelly recanted his decision, after choosing Neuberger, and gave Leo the position instead, due to the fact that Leo had more time in the department. In comparison, since those were the grounds and conditions Kelly chose Leo on, then Leo and Kelly should have chosen Hart for the same reason. Both Leo and Hart, although in two separate employment capacities, shared the same employment profile. Both had been in the department 10 years, both had perfect attendance, both were dependable, loyal and committed to their jobs. The only differences between the two were their ethnic racial differences. On the other hand, Adrienne Miller, Leo's best friend and confidant had only been in the department 6 months and did not share the same employment background as Leo and Hart. The Petitioner's Question to both Kelly and Leo: If Kelly recanted his original decision to promote Neuberger and chose Leo instead, based

on Leo's length of time in the department and her credentials as a good-standing employee, then why wasn't Hart, who has the exact employee profile as Leo, promoted as Leo's Assistant, instead of Adrienne Miller?

After the Petitioner made the racial comparison, the Petitioner suffered Retaliation and Harassment from October 1994 to May 1995, which lead up to the Petitioner being terminated from FNB, May 1995.

The following includes the Retaliation and Harassment the Petitioner encountered:

1. Petitioner using the 6th floor restroom
2. Petitioner using a spray cleaner to clean her area
3. Petitioner drying her umbrella in her cubicle
4. Petitioner handling a "Hot Call"
5. Petitioner using a vacuum to clean her area after a holiday-weekend.
6. Petitioncr overlooked for management duties
7. Petitioner submitting a Laser '95 Idea/Suggestion
8. Petitioner terminated

Using the 6th Floor Restroom: Two weeks after the Petitioner asked Leo and Kelly the reasons Hart wasn't promoted, the Petitioner went to the 6th floor where the break room is also located, to use the restroom because the restroom on the second floor where the Fraud Department is located was in use and full. The Petitioner and Leo met at the elevators, along with Adrienne Miller, Investigators Tal Layne and Steve Thompson. In a condescending, belittling and embarrassing manner, Leo abrasively asked the Petitioner, **"WHAT ARE YOU DOING UP HERE?"** Not only did the Petitioner feel embarrassed among the other Investigators, but she felt, at this moment, belittled and emotionally threatened by Leo's new position and authority over her.

Using a Spray Cleaner: In an effort to comply with Kelly's managerial directive, which he had not changed after promoting Leo, Kelly asked that the Investigators clean their desks regularly and to use his office as an example. The Petitioner, as a result, routinely cleaned her desk once a month using Pine-Sol because the maintenance workers were not allowed to clean or dust the Investigator's desks. The Petitioner began cleaning her desk one morning, and Leo and Miller came into the Investigative area and Miller asked Leo what the Pine-Sol smell was. At this moment, Leo said the smell was "offensive". The smell was offensive to Miller, yet Miller's work area is set up outside of the enclosed Investigative area. Leo harassed the Petitioner about the cleaning solution the Petitioner had been using for the past three years, **after** Miller rendered her opinion.

Drying Umbrella: On a rainy Monday morning, the Petitioner arrived to work and left her umbrella opened in her cubicle to dry, as usual. When Leo arrived to work, she took her coat off, walked by the Petitioner's cubicle and demanded the Petitioner remove her umbrella from her cubicle and place it on Leo's chair, next to Leo's desk. Leo's request made no sense at all, ordering the Petitioner to place a wet umbrella on a chair, yet Leo persistently harassed the Petitioner about the umbrella, forcing the Petitioner to seek Kelly's intervention. Kelly said he saw no reason why the Petitioner could not keep her umbrella in her cubicle and he thought Leo overreacted. At this point, however, Leo had established a pattern of using her authority by singling out and harassing the Petitioner whenever she felt either threatened or insecure in her position as Supervisor.

Vacuuming Cubicle: In January 1995, after a three-day holiday-weekend, the Petitioner's cubicle, as well as the rest of the Investigative area had not been cleaned over the weekend. The trashcans were full and trails of paper had accumulated on the floor.

The Petitioner had more trails of paper around her cubicle than the other areas in the department. As a result, the Petitioner attempted to clean her area and the immediate walking area with a vacuum cleaner she had obtained from the building office. Leo came into the department and angrily yelled, **"TURN THAT THING OFF!!"** Leo bitterly and harassingly said the Petitioner had been causing a distraction to the other two Investigators who were in the department, at the time (Al Holzapfel and Tal Layne). The Petitioner explained to Leo that before she turned the vacuum on, she made sure the others were not on their phones. Leo insisted, however that the Petitioner was causing a distraction and as a result, informed Kelly about the Petitioner using the vacuum cleaner to remove some of the paper on the floor.

Handling a Hot Call: After the Petitioner completed a "Hot Call" (a call from merchants alerting the BCC company of a potential lost card or theft usage during a transaction and on-location), Leo later received a call from a clerk of the merchant where a hot call generated from. Leo said the clerk told her the Petitioner had been rude for asking the mandatory, routine questions: "if whether the clerk has the card in her possession, the name of the merchant, location, city and state of the merchant, etc." The caller (merchant) refused to answer the standard questions, and only wanted to know the status of the card. Subtle implications were also made, by the caller, about the person using the card and his race (black) and the Petitioner sounding black, during the call.

Leo verbally reprimanded the Petitioner and said the Petitioner should not have been rude to the clerk because the bank does not want to lose merchants. In essence, Leo was saying, the Petitioner should not perform her job correctly by following the department guidelines when handling hot calls. During Hot Calls, a person attempting to use a stolen credit card can call BCC and request verification or the status of the card while posing as a merchant.

There are specified rules that merchants are **required** to follow, including **"cooperation"** with the bank when a call is generated into the center. Leo offered no supervisory support. She automatically showed her allegiance to the caller/clerk, leaving the Petitioner feeling helpless after attempting to simply perform the structured procedure designed to prevent the bank from being potentially defrauded when handling Hot Calls.

Laser '95 Idea/Suggestion: FNB sponsored an employee Idea/Suggestion campaign called "Laser '95" whereby employees submit suggestions and ideas to improve a product or service. The Petitioner thought of an idea and attempted to prepare the documentation. The Petitioner had informed the other Investigators that she would be at the typewriter, and she informed the support staff that she would take all of her phone calls. Leo came out of Joe Barry's office (Officer Of the Fraud/Security Department and Kelly's Manager), approached the Petitioner, and observed what the Petitioner had been typing and harassingly said, **"You have to get back to work! You are needed back there"** (in the Investigative area). Leo had been in Barry's office and really did not know what the Investigators were doing, and if the Petitioner's assistance, in fact, had been needed, the Investigators would have known where to find the Petitioner. Once again, Leo retaliated, singled out, and harassed the Petitioner. Perhaps Leo felt challenged or insecure of her authority after leaving Barry's office and directed her feelings toward the Petitioner by exercising her authority over the Petitioner.

In comparison to Leo's harassment against the Petitioner, the previous month, Investigator Al Holzapfel prepared and submitted a suggestion and received a monetary reward, as a result. During an Investigator's meeting, Leo recognized and congratulated Holzapfel for his efforts. Several years ago, before Leo became Frank's Assistant, she too, prepared and submitted ideas and received substantial monetary rewards.

Managerial Duties: The following is a list of Investigators in seniority order:

Tal Layne
Steve Thompson
Bob Cannon
Tami Neuberger (before leaving)
Connie Watson (Consuelo)
Al Holzapfel
Sheila Triplett
Shawn Toney
Christine Steele

When Frank Kelly went on vacation or planned to be away from the bank, he would assign an Investigator to perform his management responsibilities. Both Kelly and Leo were scheduled to be away from the bank at the same time and therefore, would have to assign an Investigator to assume management responsibilities. Layne, Thompson, Cannon, and Neuberger had previously been given the opportunity to assume the supervisory role in seniority order, yet Leo intentionally overlooked the Petitioner and chose the next Investigator in line, Al Holzapfel. The Petitioner had been in the department a year and a half longer than Holzapfel and she demonstrated above average Investigative knowledge and excellent chargeback and recovery results. When both Leo and Kelly requested additional research for Law Enforcement purposes, the Petitioner efficiently supplied the requested information or found solutions to their non-case related issues. Leo would, without hesitation, at times, ask the Petitioner to resolve potentially fraud matters outside of her normal scope of Investigative responsibilities. Kelly allowing Leo to ultimately choose the Investigator to assume the management responsibilities, overlooked Vivian Hart in being promoted and chose Al Holzapfel instead.

During lower court briefing, the Respondent's Counsel stated Leo's rationale was based on what the Petitioner's **"Peers"** thought of her, but Leo had already set the opinion and tone and even provided an example for the others, when she demonstrated the type of relationship she and the Petitioner would have, two weeks after Leo became Frank's Assistant, by embarrassing the Petitioner in front of the others (the Petitioner's **"Peers"**) at the Elevator on the 6th Floor.

Sharing Information with Fellow Investigators: Given the consistent effort Leo put into retaliating and harassing the Petitioner on almost every action the Petitioner made, when the Petitioner attempted to share the Headhunter information with the other Investigators, instead of Leo "correcting" this action made by the Petitioner, Leo came over to the Petitioner's desk, after reading the copy placed on her desk, and asked the Petitioner if she had given a copy to her alone, or to the other Investigators in the department, as well. The Petitioner told Leo, she had given a copy to the others, also. Once again, instead of Leo demonstrating supervisory support or allegiance of any kind toward the Petitioner, Leo used the fact that the Petitioner had photocopied and shared the information with others (and not just her) as a final weapon against the Petitioner. If Leo had the slightest idea that giving the others **"a copy"** of the information was inappropriate, and that the Petitioner's job could be in jeopardy, Leo could have told the Petitioner that she should "verbally" tell the others, since receiving Headhunter calls, in the department, in and of itself, was an accepted activity. Leo simply stated, "O.K." and walked away.

The next morning when the Petitioner arrived to work, Leo met the Petitioner at her cubicle and said, "Connie, Joe Barry wants to see you." When the Petitioner went into Barry's office, he held a copy of the Headhunter information in his hand and asked, "Did you write this?" The Petitioner said, "Yes," and Barry said, **"Well then, You are Fired!"**

B.

During the course of the Petitioner's employment as an Investigator, the Petitioner realized the Bank's involvement and connection with a 3rd party Law Enforcement Entity (Secret Service, FBI, etc.) who secretly surveilled the department and conferred with Joe Barry, Frank Kelly, and in some cases, Tal Layne and Steve Thompson. The work and observance of the 3rd Party Entity resulted in manipulated activity among the Investigators, specifically targeting the Petitioner. The "Hidden Voice" (or Law Enforcement Entity within the company) harassed the Petitioner on a daily basis and the Petitioner sensed the middle ground she had been placed in, between BCC Management and the Law Enforcement Entity.

Other 3rd Party Law Enforcement Connected activity include the harassment, manipulation and abuse the Petitioner suffered while under the employ of FNB, by Federal Agents posing as Agents and Satanic Advocates. The Petitioner believes the Agents/Satanic Advocates who have the most knowledge of the harassing and manipulative abuse against the Petitioner include: Kelly B. Turner, Dan Jones, Mark Lowelry (possible twin), Tim Yelder (possible twin), Ellis Tate (possible twin or triplet), and Theron Cook and his multiple birthed brothers, Deron , Feron, Beron, Geron, Meron, Peron, Ceron and Eron and quite possibly Heron Cook. The mere mentioning of the Agent's/Advocates names, subtly places the Petitioner, as well as her family in jeopardy, currently and while she worked at FNB.

The Petitioner is a God-fearing Christian who believes in Jesus Christ. The Petitioner believes the Law Enforcement Agents agreed to become Satanic advocates or serious challengers of the Satanic organization, from the result of Children who women thought were supposedly aborted between 1980 to the present, but in actuality were not and were placed in the hands of the Satanic organization.

The Satanic organization, along with other Law Enforcement Entities watched the Petitioner through secret video surveillance and "peeping" during the 70's and 80's and generated the idea of saving the aborted children, then using and sexually abusing the children for their Satanic purposes.

The Petitioner believes three of her unaborted children are possibly in Foster homes from the the result of the work of undercover Law Enforcement Agents, but the children are oblivious to the satanic pasts they were forced to be a part of, and are now living their lives as if nothing ever happened.

Most recently, and while under the employ of FNB, in an effort to protect the unaborted children, the Agents continued in their work with the Satanic organization by creating other children for supposedly Satanic purposes. Agents secretly manipulated the Petitioner as a subject to conduct their operation. The Agents secretly gained access into her apartment, at night, and conducted their abusive behavior with her while she slept. She believes Sperm has been attached to her Ovum, thus creating seeds of offspring to sell and barter within the Satanic organization. In essence, developing a new form of Slavery. The Petitioner also believes not only African American Children have been produced, but children with lighter skin tones, soft grain hair and lighter colored eyes (appearing Mixed, Mexican, Italian and Caucasian) have been produced, thus giving those in the Satanic organization the unknown presumption of purchasing or bartering a child supposedly produced by a colored male/Agent or Advocate and a Caucasian or mixed female, etc. In actuality, the Agent/Advocate scientifically created children for the Satanic organization, perhaps to give the appearance of creating "racial unity" or oneness in their organization. The lighter skin toned children are from the result of multiple birthed Agents scientifically combining their Semen together to create one X or Y chromosome, and attaching it to the Ovum and then removed and sent through a

birthing process similar to the Children who were supposedly aborted. The Petitioner does not know the exact number of children produced from her, but it has been an ongoing consistent abuse over the past 3 to 7 years. The Agents, however, should have complete details.

As a result of the Agent's Investigation, presence and penetration within the state of Nebraska, some of the children are no longer wanted by the buyers and purchasers within the Satanic organization, and may have been placed in the hands of the government arena, while other children are being stubbornly held to perhaps be used as the buyer or purchaser wishes and dares anyone to try and take them.

The Agents also abused the Petitioner's naturally born son, Brandon Watson by administering a Sinus Allergy through his nasal system, as well as a deep puncture in his foot. Brandon woke up one morning vomiting lotion after the Benny Hinn Miracle Crusade, here in Omaha. Pastor Benny Hinn had prophetically spoke of satanic activity occurring in this city, and it involved some of the leaders of the city. The Petitioner sang in the choir during the Crusade, and her son, Brandon, met her at the auditorium the night before he vomited lotion.

Additionally, the Petitioner also has life-long disease, called Crohn's, that may have been administered to her by the Agents/Advocates or is a direct reaction from the result of her reproductive system, during the course of the Federal Agent's investigation/activity.

Still another challenging strategic operation the Law Enforcement/Military Entity has created and are currently in the midst of, from the result of the innocent, and maternally and paternally lonely Children, are people who have been pronounced dead, but are in actuality alive and are being held against their will.

The supposedly dead people are using technically advanced video equipment to watch and surveil people throughout the United States. A few of the people include the Petitioner's family members: Sarah Watson-Grant, Beatrice Watson, Walter Watson, Thelma Willis, Gene Holt and her God-Daughter's Mother, Annjanetta Cole, Marvin Ammons, who was supposedly killed by the Omaha Police Department, Brenda Woodard-Patterson, who supposedly died of Cancer, Roosevelt Watson, Step-Grandfather of son, Brandon, and a **"Great Host of Others"** who were either buried alive and then retrieved by Satanic Advocates (and most recently, Law Enforcement/Military groups) or they were **CLONED** for their funerals, and **forced** to leave the land of the known living.

C.

Given the daily harassment and the secret, subtle way Americans have learned to communicate with each other – coupled with an element of intimidation, inferiority and threats of the various Entities abducting you or members of your family under the disguise of death and using clones during funerals, and in some cases, burying people alive, the Petitioner believes the Panel Member(s) were subtly persuaded to agree with the lower courts' decision either from the result of having knowledge of the unaborted children activity and/or the appearance of death activity occurring throughout the United States, coupled with being subjected to subtle intimidating words and gestures directed to the Panel Member(s) prior to their briefing the Petitioner's case, by various entities who have a "worldly" interest in the Petitioner's case: Law Enforcement Entities, Satanic Organization, Racial Groups and various Interest and World-Wide Media and Entertainment Groups.

REASONS FOR GRANTING THE WRIT

A.

Due to non-investigation of the Petitioner's case, in it's entirety, by the Equal Employment Opportunity Commission, at the onset of the discrimination charge, the original charge of Harassment and Retaliation still exists. The Petitioner filed a charge with E.E.O.C. and alleged Discrimination and Retaliation, leading up to being Terminated. The Omaha agency did not explore the retaliation charges. The Investigator continuously asked for comparators in order to conduct her Investigation. When the Petitioner complied, the Investigator did not contact FNB to deny or refute the comparable information, nor did E.E.O.C. allow the Petitioner to respond to FNB's rebuttal, as the Investigator had promised at the onset of the Investigation. The Investigator never contacted FNB.

B.

The Legal Requirements for Discrimination and Retaliation Charges were satisfied: Prima Facie, Temporal Proximity, Disparate Treatment, Casual Connections, and a Proffered Reason for Pre-Textual Illegal Discrimination. Two weeks after the Petitioner made the racial comparison between Leo and Hart in regards to being promoted, the Petitioner met Leo at the elevator on the 6th floor along with the others in the department and intentionally embarrassed the Petitioner in front of her Peers, Tal Layne, Steve Thompson and Adrienne Miller, who listened as Leo abrasively harassed the Petitioner. The Petitioner was not late for work, as the Counsel for FNB suggested in lower court briefing, and if the Petitioner had even taken a break, she would have been within her employment right and should not have been subjected to being harassed and embarrassed in

front of her Peers. Not only did the Petitioner suffer Disparate Treatment perpetuated by Leo, but Leo **intentionally** inflicted emotional harm upon the Petitioner. Leo had never belittled or embarrassed the others she took cigarette breaks with, who periodically took extra unauthorized smoke breaks throughout the day, with and without Leo. Leo displaying to the others her supervisory authority over the Petitioner two weeks after racially comparing Leo to Hart is clearly a Proffered Reason for Pretextual Illegal Discrimination within Temporal Proximity. Moreover, Prima Facie is established, as well.

Other examples of Leo's intentional harassment and Pretextual Illegal Discrimination perpetuated from the result of the Petitioner racially comparing Leo, Hart and Miller include, Leo obsessively harassing the Petitioner to remove her umbrella from her cubicle, as well as Leo harassingly demanding the Petitioner to **"get back to work"** while the Petitioner prepared a FNB Idea/Suggestion. The Petitioner suffered Disparate Treatment because Leo had not harassed others who prepared Ideas, specifically, Al Holzapfel, but instead, praised him for winning an award, for his idea, during a meeting.

Still another example involves Leo overlooking the Petitioner for Managerial duties and choosing Al Holzapfel instead. In terms of length of time in the department, Holzapfel had not been in the department longer than the Petitioner, yet the Petitioner had not been given the opportunity to skip over Investigators Cannon and Thompson, who had the opportunity to perform the duties and had been in the department longer than the Petitioner. This denial and overlooking of managerial duties clearly demonstrated Pretextual Illegal Discrimination, based on the Petitioner racially comparing Leo, Hart and Miller, and Leo holding it against the Petitioner in retaliation.

The Respondent's Counsel relied solely upon the affidavits of Joe Barry, Frank Kelly and Glen Beauchamp of Human Resources. Human Resources knew there was an on-going problem in the

Investigative area concerning harassment against the Petitioner. So much so, Robert Urban, Glen Beauchamp's manager, specifically called the Petitioner from her duties to inquire how things were, and if the Petitioner wanted to discuss any issues with him (two to three weeks before being terminated). Yet, Glen Beauchamp upheld the decision of the BCC management staff. The Respondent's affidavits contend the Petitioner had been "warned". The "memo" generated by Kelly in March 1993 and addressed to the Petitioner from the result of using the copier to photocopy a letter, however, referred to "personal" use of bank's equipment. The Petitioner simply shared the Headhunter information with the others via photocopy, as opposed to verbally telling the others, which Kelly said was "O.K." to do at the onset of the Petitioner's career as an Investigator. Kelly did not distinguish between verbally sharing or photocopied sharing of Headhunter information.

C.

Other Casual Connections, while under the employ of FNB include the harassment, manipulation and abuse against the Petitioner under the orchestration of Federal Agents. The Petitioner realized the Bank's connection with a contracted 3rd Party Law Enforcement Entity, i.e., Secret Service, FBI, ect.

During the Petitioner's employment with FNB and thereafter, the Agents secretly gained access into the Petitioner's apartment, at night, and conducted their abusive behavior with her while she slept, during the night. The multiple birthed Agents/Advocates (specifically the Cook's, and at least one occasion or chromosome with one of the Tate Agent/Advocates), scientifically had their Semen combined together to create X and Y Chromosomes. The Semen had been, perhaps, secretly taken from discarded, full, condoms by one or more of the Agents/Satanic Advocates.

Thus, Golden, Brown, Mixed, Mexican, Italian and Caucasian-looking Children have been produced for Satanic purposes throughout the United States.

The Agents/Advocates who are also a part of FNB's 3rd Party Law Enforcement Entity is within the scope of the Petitioner's suit and contribute to ½ of the abuse and harassment the Petitioner suffered. The Agents inflicted abuse upon the Petitioner over the past three to eight years and have also inflicted abuse upon the Petitioner's son, Brandon Watson for the purpose of attempting to use him as an example for Satanic organization purposes.

The Law Enforcement Agent Entity's purpose and the Satanic Advocacy purpose are to do what their names imply. . . . . **SECRET/INVESTIGATION**, and both organizations have strategically placed the Petitioner in the center of **THEIR** on-going, never-ending battle via constant 24 hour monitoring and surveillance of the Petitioner, Innocent Babies and Children, and quite possibly (un)fertilized frozen eggs produced from the Petitioner. The Petitioner has children scattered throughout America, with some of them under the disguise and guardianship of **other** Agents/Advocates.

In addition to the monetary amount the Petitioner is asking for, she is also asking the Supreme Court to help her reclaim the children which were produced, without her consent, and taken from her and sold (regardless of their appearance) over the past three to eight years from the result of the Federal Agent's undercover battle with the Satanic organization. Subsequently, it is important to note, **Spiritually,** God has reclaimed the souls and spirit of **ALL** the lonely and Innocent Children: The Unaborted Children and the Children produced from the result of Law Enforcement/Military activity and their intervention within the Satanic organization.

Moreover, the Petitioner asks the court to help her find and legally reclaim her three children who were supposedly aborted, Caprina Watson, whose satanic given name may be Amy or Amanda, clinically aborted 2-19-86, Carina Watson, whose satanic given name may be Tracey or Stacey, clinically aborted 10-18-86, and Corinthian Watson, whose satanic given name may be Jacob, clinically aborted 1-29-88. Caprina and Carina may be in Long Island, New York, and Corinthian may very well be in Omaha. **If my children are in Foster Homes or are Adopted and belong to someone else, as the true, maternal mother, how would I physically reclaim them?**

Also, the Petitioner asks the court to help in the release of her family members and the **"Great Host"** of others who were pronounced dead, but are still alive, including, Thelma Willis, (Step Grandmother who supposedly died during Petitioner's employment with FNB), Beatrice Watson, (Aunt, who supposedly died on Petitioner's birthday and while employed with FNB), Sarah Watson-Grant (Aunt), and Walter Watson (Uncle).

CONCLUSION

This Petition for Certiorari should be granted for the sake of the harassment the Petitioner and her naturally born son suffered while under the employ of FNB and thereafter, from the result of the knowledge and orchestration of events by Federal Agents(3rd Party Entity within FNB), and for the sake of Innocent Missing Human Beings.

Respectfully Submitted,

Consuelo Watson, Pro Se
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Consuelo Watson, Appellant

v.

First National Bankcard Center, Appellee

No. 98-1518

United States Court of Appeals,
For The Eighth Circuit
Appeal from the United States District Court
For the District of Nebraska

July 6, 1998

Consuelo Watson, Pro Se

George C. Rozmarin of Stryker and Stryker, for Appellee

Before BOWMAN, Chief Judge, WOLLMAN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIUM.

Consuelo Watson appeals from the district court's[1] entry of summary judgment in favor of defendant in her action alleging retaliation under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000e-2000e-17. After carefully reviewing the record and the parties' submissions on appeal, we affirm the judgment of the district court. See 8th Cir. R. 47B. We deny Watson's pending motion.

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[1] The Honorable Thomas M. Shanahan, United States District Judge for the District of Nebraska

IN THE UNITED STATES DISTRICT COURT
DISTRICT COURT FOR THE DISTRICT OF NEBRASKA
Case Number 8:96CV651

MEMORANDUM AND ORDER:

CONSUELO M. WATSON, Plaintiff

v.

FIRST NATIONAL BANK OF OMAHA,
(FIRST BANKCARD CENTER), Defendant

Before the court is filing no. 6, the "Motion For Summary Judgment" filed by the defendant, First National Bank of Omaha, who "moves", pursuant to Fed. R. Civ. P. 56 for summary judgment as a matter of law, in support whereof Defendant relies upon the pleadings and the Affidavits of Frank Kelly, Joseph W. Barry and Glenn Beauchamp." The Defendant has also submitted an "Index of Evidence: (filing no. 7) in support of its motion for summary judgment. The plaintiff has submitted her "Objections To Summary Judgment" (filing no. 12), including supporting evidentiary materials, and her "Additional Objections and Answers to Defendant's Request of a Motion for Summary Judgment" (filing no. 13) which the clerk has filed in the court file for purposes of clarity of the record.

BACKGROUND

Connie Watson filed her Complaint (filing no. 2) against the defendant, First National Bank of Omaha, on December 31, 1996. In her Complaint, Watson alleges that the defendant discriminated against her on the basis of her race. Watson is a black woman who was employed by the defendant from January, 1987 until May 25,

1995. At the time her employment was terminated, Watson worked as a credit card investigator in the defendant's First Bankcard Center.

In late October or early November 1994, Watson spoke with Frank Kelly, Operations Officer and Director of Security of the First Bankcard Center, concerning the promotion of Adrienne Miller, a white woman, over Vivian Hart, a black woman. Miller was promoted to the position of administrative assistant. Watson alleges that, after her discussion with Kelly about the promotion of Miller over Hart, the defendant engaged in a pattern of retaliation against Watson which eventually culminated in her termination of employment May 25, 1995. In his affidavit, Kelly states that he informed Watson that is was inappropriate to discuss the employment circumstances of other employees and that seniority was not used in making employment decisions (filing no. 6). Additionally, Kelly informed Watson that race was not a factor in the promotion decision.

Watson asserts that Kelly and Watson's immediate supervisor, Michelle Leo, engaged in a pattern of retaliation subsequent to Watson's discussion with Kelly concerning Miller's promotion. Specifically, Watson alleges that Leo refused to allow Watson to use a strong-smelling disinfectant to clean her work cubicle and required Watson to move her umbrella which Watson had left open to dry in her cubicle area. Moreover, Watson asserts that Leo refused to permit Watson to run a vacuum cleaner in her work area during working hours, and that Leo took the side of a consumer who had complained that Watson was rude during a "hot call." Additionally, Watson claims she improperly counseled regarding her tardiness. Watson also claims that she, unlike other employees, was not permitted to make a suggestion under the "Laser 95 Idea" program, because Leo ordered Watson to return to work. Finally, Watson asserts that she was unfairly passed over to be a temporary supervisor for a few days when

both Kelly and Leo were on vacation. All of these incidents of retaliation apparently took place in late 1994 or early 1995.[1]

In late May, 1995 Watson received a phone call from a "head hunter" who was looking for individuals to apply for employment with an entity other than the defendant. Watson, who asserts that she believed her actions to be in accordance with company policy, prepared a document which detailed the potential job opening, the terms of employment and possible salary. Then, apparently after using the company's copy machine to reproduce the informational document, Watson distributed the document among her co-workers. On May 25, 1995 Kelly and Joseph W. Barry, Vice President of Credit Card Risk Management, questioned Watson about her preparation of the document. When Watson failed to deny that she had prepared the document pertaining to the employment solicitation, her employment with the defendant was terminated. Both Barry and Kelly have submitted affidavits, each stating that the decision to terminate Watson was wholly unrelated to Watson's' discussion with Kelly about Miller's promotion.

ANALYSIS

When presented with a motion for summary judgment, a court must view the facts in the light most favorable to the nonmoving party and gives the nonmoving party the benefit of all reasonable inferences that may be drawn from the evidence. Moore v. Webster, 932 F. 2d 1229, 1230-31 (8th Cur, 1991). The moving party must demonstrate to the court the absence of a genuine issue of material fact. Celotex v. Catrett, 477 U.S. 317, 323 (1986). In a discrimination suit, summary

[1] Watson also asserts that First National Bank has retaliated against her by hiring a group that "is either of a cult, a satanic or klu klux klan nature, and they usually harass the PLAINTIFF while she is driving, or in places of public establishments" See filing no. 12, pg. 8.

judgment is granted sparingly. David v. Fleming Companies, Inc., 55 F. 3d 1369 (8th Cir. 1995).

The Eighth Circuit Court of Appeals recently clarified the standard to be used in discrimination cases:

> In discrimination cases, it is now well settled that a plaintiff's presentation of a prima facie creates a legal presumption of unlawful discrimination. This presumption places an obligation upon the employer to produce evidence of a legitimate, nondiscriminatory reason for the plaintiff's discharge. If the employer carries this burden, the legal presumption of unlawful discrimination drops out of the picture. Once this occurs. . . [t]he defendant's production (whatever its persuasive effect) having been made, the trier of fact proceeds to decide the ultimate question: whether plaintiff has proven that the defendant intentionally discriminated against the plaintiff. The factfinder's disbelief of the reasons put forward by the defendant (particularly if disbelief is accompanied by a suspicion of mendacity) may, together with the elements of the prima facie case, suffice to show intentional discrimination.

Ryther v. Kare 11, 108 F. 3d 832, 836 (8th Cir. 1997) (en banc) (citations and internal quotations omitted). "Obviously, … the plaintiff must produce sufficient evidence of the elements of the prima facie case and where necessary, adduce sufficient proof of pretext to meet the traditional tests of summary judgment and judgment as a matter of law." Id. At 838 (citing Rothmeier v. Investment Advisers, Inc., 85 F. 3d 1328, 1335 (8thCir. 1996)).

Section 704(a) of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-3(a), states in pertinent part:

> It shall be an unlawful employment practice for an employer to discriminate against any…employees… because [the employee]

has opposed any practice made an unlawful employment practice by this subchapter, or because [the employee] has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

To establish a prima facie case of retaliation, the plaintiff has the initial burden of establishing: (1) that the plaintiff participated in protected activity, (2) that an adverse employment action was taken against the plaintiff; and (3) that there was a casual connection between the adverse employment action and the protected activity. Steven's v. St. Louis Univ. Med. Ctr., 97 F. 3d 268, 270 (8th Cir. 1996); see also Feltmann v. Sieben, 108 F. 3d 970 (8th Cir. 1997).

In this instance, the court assumes that Watson has established that she engaged in a protected activity when she questioned the promotion of Miller, a white woman, over Hart, a black woman. Moreover, Watson has established that an adverse employment action, namely termination of her employment, was taken against her.[2] However, Watson's evidence of a casual connection between her complaints to Kelly about Miller's promotion and her ultimate termination is, at best, weak. Watson questioned Kelly about Miller's promotion in late October or early November, 1994; yet, Watson's employment was not terminated until May 25, 1995. Termination of Watson's employment, approximately six months after she discussed with Kelly the fact that Hart was not promoted, "is by itself insufficient to support a claim of casual connection." Feltmann, 108 F.3d at 977. However, for purposes of this motion for summary judgment, the court will assume that plaintiff's other allegations of retaliation, including reprimands for tardiness and failure to allow Watson to serve as a temporary supervisor, provide a sufficient causal

[2] The court makes no finding whether the plaintiff's other alleged adverse employment actions, including the incidents relating to vacuuming, drying her umbrella, making suggestions for the bank's Laser 95 contest, reprimands for tardiness and denial of an opportunity to serve as a temporary supervisor constitute adverse employment actions for purposes of this motion for summary judgment.

connection between her complaints and the defendant's ultimate decision to terminate the plaintiff's employment. Hence, the court will assume that the plaintiff has established a prima facie case of retaliation.

Once the plaintiff establishes her prima facie case, "a rebuttable presumption of discrimination arises and the burden of production shifts to the bank to articulate a legitimate, nondiscriminatory reason" for the plaintiff's termination. Thomas v. First Nat'l Bk. Of Wynne, 111 F.3d 64, 66 (8th Cir. 1997) (citing Ryther, 108 F. 3d at 835). In this instance, the defendant has articulated a legitimate, nondiscriminatory reason for the plaintiff's termination, namely, the plaintiff's employment was terminated because she circulated a notice from a "head hunter" that solicited employees of the defendant for non-bank employment and had used the bank's copying equipment and supplies to reproduce the notice. Filing no. 6 (Affidavit of Kelly), ¶ 12; Affidavit of Barry, ¶ 3; Affidavit of Beauchamp, ¶ 5).

Once the defendant comes forward with evidence of a legitimated, nondiscriminatory reason for the plaintiff's termination, the presumption of discrimination created by the plaintiff's prima facie case disappears, and the plaintiff bears the burden of proving that the proffered legitimate, nondiscriminatory reason is pretextual and that the real reason for her termination was intentional discrimination. Thomas, 111 F.3d at 66 (citing Ryther, 108 F.3d at 835). After reviewing the record, the court finds and concludes that the plaintiff has submitted no evidence suggesting that the defendant's proffered reason for her termination is pretextual and, furthermore, that the plaintiff has failed to adduce sufficient evidence to support her ultimate burden of proving intentional discrimination. In their affidavits, Kelly, Barry and Beauchamp state that Watson's discussion with Kelly concerning Miller's promotion was in no way related to the defendant's ultimate decision to terminate Watson's employment. Filing no. 6 Affidavit of Kelly, ¶ 12; Affidavit of Barry, ¶ 3; Affidavit of Beauchamp, ¶ 5). While these affidavits "can

perhaps be characterized as self-serving,...they are plausible, unchallenged and not circumstantially, rebutted." Thomas v. Runyon, 108 F. 3d 957, 961 (8th Cir. 1997).

Consequently, the court finds and concludes that, even viewing the evidence in the light most favorable to the plaintiff, the plaintiff has failed to establish evidence from which a reasonable factfinder could conclude that the defendant intentionally discriminated against the plaintiff.

THEREFORE, IT IS ORDERED:

(1) That filing no. 6, the "Motion For Summary Judgment" filed by the defendant, First National Bank of Omaha (First Bankcard Center), is granted;

(2) That filing no. 12, the "Objection To Summary Judgment" filed by the plaintiff, Consuelo (Connie) Watson, is overruled;

(3) That filing no. 13, the "Additional Objections and Answers to Defendant's Request of a Motion for Summary Judgment" filed by the plaintiff, Consuelo (Connie Watson) is overruled;

(4) That judgment will be entered in favor of the defendant, First National Bank of Omaha (First Bankcard Center) and against the plaintiff, Consuelo (Connie) M. Watson, on Watson's complaint and action; and

(5) That a separate judgment will be entered on this date in accordance with this memorandum and order.

DATED this 7th day of July, 1997.

BY THE COURT:

/s/ Thomas M. Shanahan
Thomas M. Shanahan
United States District Judge

DISTRICT COURT FOR THE DISTRICT OF NEBRASKA
Case Number 8:96CV651

JUDGMENT:

CONSUELO M. WATSON, Plaintiff

v.

FIRST NATIONAL BANK OF OMAHA,
(FIRST BANKCARD CENTER), Defendant

In accordance with the "Memorandum and Order" (filing no. __) Entered and filed on this date,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

(1) That judgment is granted to the defendant, First National Bank of Omaha (First Bankcard Center), and against the plaintiff, Consuelo (Connie) M. Watson, on the defendant's "Motion for Summary Judgment" (filing no. 6);

(2) That filing no. 12, the "Objection To Summary Judgment" filed by the plaintiff, Consuelo (Connie) Watson, is overruled;

(3) That filing no. 13, the "Additional Objections and Answers to Defendant's Request of a Motion for Summary Judgment" filed by the plaintiff, Consuelo (Connie Watson) is overruled; and

(4) That the complaint and action of Consuelo (Connie) M. Watson are dismissed with prejudice.

DATED this 7th day of July, 1997.

BY THE COURT:
/s/ Thomas M. Shanahan
Thomas M. Shanahan
United States District Judge